

BILL ANALYSIS

C.S.S.B. 560
By: Ellis
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legislation enacted by the 79th Legislature in relation to the reimbursement of persons who have served as jurors required a minimum reimbursement of \$6 for the first day spent as a juror and a minimum of \$40 for subsequent days served. However, this rule has been interpreted in different ways by court clerks in Texas. As a result, Texans who have served as jurors in different counties are receiving different amounts for the same service.

The purpose of this bill is to clarify the current law in regard to the proper payment of persons for time served as jurors. This bill also expressly excludes jurors who serve on municipal court juries from reimbursement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 61.001, Government Code, as follows:

Sec. 61.001. New heading: REIMBURSEMENT OF EXPENSES OF JURORS AND PROSPECTIVE JURORS. (a) Provides that a person who reports for jury service in response to the process of a court (jury service), rather than a person who served as a grand juror or petit juror in a civil or criminal case in certain courts, is entitled to receive as reimbursement for travel and other expenses (reimbursement for jury service), except as provided by Subsection (c), an amount not less than \$6 for the first day or fraction of the first day the person is in attendance in court for jury service and no less than \$40 for each day or fraction of each day of jury service after the first day and discharges the person's duty for that day. Makes conforming changes.

(b) Deletes existing Subsection (b) entitling a person who responds to the process of a court but is excused from petit jury service by the court for any cause after the person's voir dire examination to receive between \$6 and \$50 for each day or fraction of each day in court in response to the process. Redesignates existing Subsection (c) as Subsection (b). Requires the commissioners court of the county to determine the daily amount of reimbursement for a person who reports for jury service and discharges the person's duty in preparing and approving the annual budget for a county. Requires that amount of reimbursement for each day to be within the minimums and maximums prescribed by this section and to be paid out of the county's jury fund. Deletes the exception as provided by Subsection (d). Authorizes the commissioners court to set different daily amounts of reimbursement for grand and petit jurors or for different petit jurors based on whether a juror serves in a certain court or any other reasonable criteria determined by the commissioners court.

(c) Specifies that a person who reports for jury service in a municipal court is not entitled to reimbursement under this chapter. Authorizes the municipality to determine and provide reimbursement for expenses to the person.

(d) Authorizes the presiding judge, in a specific case and with the agreement of the involved parties or their attorneys, to increase the daily amount of reimbursement for a person who reports for jury service and is discharged from the person's duty. Requires the amount of reimbursement for a person who reports for jury service to be paid by the parties involved in the case in equal amounts. Deletes existing Subsection (d) authorizing the commissioners court of a county to reduce or eliminate the daily reimbursement prescribed by this section for persons who report for jury service for only one day or a fraction of a day. Deletes existing Subsection (d) requiring the funds retained from such a reduction or elimination to only be used to increase the daily reimbursement for jurors and persons who attend court for more than one day. Redesignates Subsection (c-1) as Subsection (d).

(e) Makes no changes to this subsection.

(f) Provides that a reimbursement for jury service for a person who reports for jury service, rather than a juror or prospective juror, is not a property right for purposes of Chapter 72 (Abandonment of Personal Property) or Chapter 74 (Report, Delivery, and Claims Process), Property Code.

SECTION 2. Amends Chapter 61, Government Code, by adding Section 61.0011, as follows:

Sec. 61.0011. DEFINITION OF PERSON WHO REPORTS FOR JURY SERVICE.
Defines "person who reports for jury service."

SECTION 3. Amends Section 61.0015(a), Government Code, to require the state to reimburse a county \$34 a day for reimbursement for jury service paid under Section 61.001, Government Code, to a person who reported for jury service for each day or fraction of each day after the first day in jury service, and to make conforming changes.

SECTION 4. Amends Sections 61.002(a) and (c), Government Code, to make conforming changes.

SECTION 5. Amends Sections 61.003(a), (b), and (c), Government Code, to make conforming changes and to provide that a person who reports for jury service may donate a portion of the person's daily reimbursement in lieu of the entire amount. Also adds a provision making a conforming change to the form letter provided to such persons.

SECTION 6. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute makes changes to Section 5 of the bill which consist of the addition of provisions permitting persons reporting for jury service to donate less than all of the person's daily reimbursement and making conforming changes to the form letter.